

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 28, 2002

IN RE:

COMPLAINT OF US LEC OF TENNESSEE,
INC. AGAINST ELECTRIC POWER BOARD
OF CHATTANOOGA

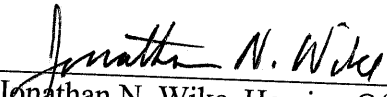
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DOCKET NO.
02-00562

ORDER SUSPENDING PROCEDURAL SCHEDULE AND SETTING
DEADLINE FOR MOTIONS TO COMPEL

On September 26, 2002, the parties in this matter, US LEC of Tennessee, Inc. ("US LEC") and the Electric Power Board of Chattanooga ("EPB"), filed an *Agreed Motion to Suspend Procedural Schedule* (the "*Agreed Motion*"), in which the parties request that the Hearing Officer suspend the present procedural schedule, established in an Order issued on August 27, 2002, set a date for the filing of motions to compel discovery responses, and, if necessary, set a date for a pre-hearing conference to address those motions.

As grounds for this request, the parties state that in discovery responses filed on September 20, 2002, each party has objected to a number of questions asked by the other party, and each party is considering filing a motion to compel. The parties further state that until the discovery issues that have been raised are resolved, the parties should not be required to file testimony. The Hearing Officer's August 27, 2002 Order set a deadline of September 30, 2002 for the filing of pre-filed testimony.

The Hearing Officer finds that the parties' request, as stated in their *Agreed Motion*, is reasonable and has not been made for the purpose of delay. US LEC filed the *Motion to Compel of US LEC of Tennessee, Inc.* on September 27, 2002. EPB shall have until **November 4, 2002, at 2:00 p.m.** to file any motion to compel. Any responses to motions to compel shall be filed **no later than November 8, 2002, at 2:00 p.m.** If it is necessary to schedule a pre-hearing conference to resolve the motion(s) to compel, the Hearing Officer will issue a separate notice of the pre-hearing conference. The procedural schedule is suspended, and a new procedural schedule will be issued after the discovery issues have been sufficiently resolved.


Jonathan N. Wike, Hearing Officer